



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 31, 1997

Ms. Tracy B. Calabrese
Assistant City Attorney
Legal Department
City of Houston
P. O. Box 1562
Houston, Texas 77251-1562

OR97-0217

Dear Ms. Calabrese:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103396.

The City of Houston Police Department (the "city"), which your office represents, received a request for the "[d]uplicate tape and/or transcript" of the 911 calls made from two specified telephone numbers at a particular address, during a designated time period. You have submitted information which you contend is responsive to the request. You assert that the requested information may be withheld from disclosure pursuant to section 552.108 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; see *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). After reviewing the tape recording of the 911 call, we believe that the material at issue is information of a law enforcement agency that deals with the investigation and prosecution of crime. We, therefore, conclude that section 552.108 excepts the requested 911 call from required public

¹We note that, in your original brief, your office also raised section 552.103 as an exception to withhold a tape "from the 911 Network Division," however, through subsequent correspondence, you have advised our office that the department is "withdrawing [the] request for an opinion regarding the 911 Network tape and the tape will be released to the requestor." Therefore, in this ruling, we only consider the exception you claim as it applies to the submitted audio tape of the 911 call.

disclosure, although you may choose to release all or part of the information at issue that is not otherwise confidential by law.² Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large loop at the beginning.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/cbh

Ref.: ID# 103396

Enclosures: Submitted audio tape

cc: Mr. Richard J. Edwards
c/o Lillian F. Stafford, Attorney for R. J. Edwards
1224 Crosstimbers #B
Houston, Texas 77022
(w/o enclosures)

²Originating telephone numbers and addresses furnished on a call-by-call basis by a service supplier to a 911 emergency communication district established under subchapter D of chapter 772 of the Health and Safety Code are confidential under section 772.318 of the Health and Safety Code. Open Records Decision No. 649 (1996).